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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/288,006	04/08/1999	JOSEPH E. CLOUTIER	CLOUTIER-2-3	6957

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ONE RIVERFRONT PLAZA  
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EXAMINER

ABELSON, RONALD B

ART UNIT

PAPER NUMBER

2663

DATE MAILED: 05/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/288,006

Applicant(s)

CLOUTIER ET AL.

Examiner

Ronald Abelson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 April 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 November 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_. 6) ☐ Other: \_\_\_\_\_

*Specification*

1. The disclosure is objected to because of the following informalities: On page 1, serial numbers for patent applications must be provided.

Appropriate correction is required.

*Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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3. Claims 1 - 13 and 15-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Koraitim (US 6,370,117).

Regarding claim 1, Koraitim teaches a method and apparatus for a wireless /satellite communication system (col. 1 lines 6 - 13) processing data packets (col. 4 lines 51 - 67), a method of dynamically controlling the duration of a burst transmission of data packets (fig. 4a-4d). The system assigns a duration period to the burst transmission (col. 2 lines 43 - 52), monitors a source of input data packets (monitoring the filling level, col. 3 lines 17 - 34), and annexes at least one additional data packet into the burst transmission upon detection (fig. 4a-d, col. 3 lines 35 - 48).

Regarding claims 2, 9 - 12, 16 - 20, 23, restarting the time period commensurate with the presence of at least one additional data packet within known time period (dynamically adapting allocation decision (col. 2 line 66 - col. 3 line 14)).

Regarding claim 3, extending assigned burst duration commensurate with a transmission requirement (col. 3 lines 35 - 38).

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Regarding claims 4, 24, and 29, time period is selected in relation to input data rate (VBR, col. 2 lines 43 - 52).

Regarding claims 5 and 6, burst duration is assigned to be at least one time period greater than necessary to transmit the input data packets (quality of service, col. 1 lines 52 - 63). If this were not the case, then it would be impossible to maintain a sufficient quality of service.

Regarding claims 7 and 8, terminating burst transmission upon termination of burst (requests resources for the burst duration, col. 4 lines 51 - 67).

Regarding claims 13, 21, and 26, monitored source of input data packets is a buffer (col. 3 lines 17 - 34).

Regarding claim 15, in addition to the limitations listed in claim 1, Koraitim teaches terminating burst transmission when no additional data packets are detected (requests resources for the burst duration, col. 4 lines 51 - 67).

Regarding claim 22, in addition to the limitations listed in claim 1, Koraitim teaches adding to the time period of burst

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duration upon detection of at least one additional data packet (dynamically adapting allocation decision (col. 2 line 66 - col. 3 line 14)).

Regarding claim 25, annexes at least one additional data packet into the burst transmission upon detection (fig. 4a-d, col. 3 lines 35 - 48).

Regarding claim 27, in addition to the limitations listed in claim 1, Koraitim teaches extending burst duration commensurate with known time periods upon detection of at least one additional data packet (col. 3 lines 35 - 38).

Regarding claim 28, in addition to the limitations listed in claim 27, Koraitim teaches iteratively repeating the steps in claim 27 (dynamically adapting allocation decision (col. 2 line 66 - col. 3 line 14)).

Regarding claim 30, terminating burst transmission when no additional data packets are detected (requests resources for the burst duration, col. 4 lines 51 - 67).

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***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claim 14 rejected under 35 U.S.C. 103(a) as being unpatentable over Koraitim (US 6,370,117).

Although, as previously stated, Koraitim teaches the system is applicable to satellite networks, he does not specifically state CDMA systems may simultaneously process CBR and VBR data. However, this is well known in the art (Tiedemann: US 6,317,435 col. 2 lines 58 - 67).

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Abelson whose telephone number is (703) 306-5622. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be

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reached on (703) 308-5340. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.

*RA*

Ronald Abelson  
Examiner  
Art Unit 2663

*RA*

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May 24, 2002

MELVIN MARCELO  
PRIMARY EXAMINER